

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

LEVI F. SCHULTZ,

Plaintiff,

v.

**MICHAEL J. ASTRUE, Commissioner
of Social Security Administration,**

Defendant.

MOSMAN, J.,

No. CV 07-6144-MO

ORDER FOR PAYMENT
OF ATTORNEY FEES

I GRANT Plaintiff's Motion for Fees Under the Equal Access to Justice Act (#30). Given that the Ninth Circuit described the ALJ's rationale as "pure speculation," the Commissioner's position had no reasonable basis in law and fact. Therefore, the Court cannot find that the Commissioner's position was substantially justified.

IT IS HEREBY ORDERED that the Commissioner shall mail a check payable to plaintiff's attorney in the sum of \$10,991.54 for full settlement of all claims for fees under 28 U.S.C. § 2412.

DATED this 26th day of July, 2010.

/s/ Michael W. Mosman
MICHAEL W. MOSMAN
United States District Judge